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May 5, 2022

**MEMO ENDORSED**

**VIA ECF**

The Honorable Katherine Polk Failla, USDJ  
United States District Court for the Southern District of New York  
40 Foley Square, New York, New York 10007

Re: *Blue Cross & Blue Shield Assoc. Nat'l Emp. Benefits Committee v. Allianz Global Investors U.S. LLC et al.*, 20-cv-7606 (KPF)

Dear Judge Failla:

In connection with the pre-conference letter filed on May 5, 2022 by Defendant Aon Investments USA Inc. ("Aon") concerning Aon's requests that the Court extend the deadline for completion of fact discovery and grant Aon leave to take additional depositions, Aon respectfully requests leave to submit a redacted version of the pre-conference letter and certain exhibits to that letter, and to file certain additional exhibits to that letter under seal pursuant to Section IX of the Stipulated Amended Protective Order (the "Protective Order," Dkt. 79) and Rule 9(B) and (C) of the Court's Individual Rules of Practice in Civil Cases. Specifically, Aon seeks to leave to submit a redacted version of the following exhibits, each filed in connection with Aon's pre-conference letter:

Exhibit 2: May 4, 2022 letter from Aon to Plaintiff Blue Cross and Blue Shield Association National Employee Benefits Committee ("NEBC"), which includes discussions of information contained in documents produced by Allianz Global Investors U.S. LLC ("Allianz").

Exhibit 5: April 26, 2022 letter from NEBC to Aon, which includes excerpts from the depositions of John Quinn and Christopher Walvoord and summaries of two documents that Allianz Global Investors U.S. LLC ("Allianz") produced. These summaries come from documents with Bates numbers AllianzGIUS-SA-00157355, -00157356, -02734153, and -02734154.

Exhibit 9: April 27, 2022 letter from Aon to NEBC, which references confidential

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discussions between the parties.

Exhibit 11: May 4, 2022 email from Aon to Allianz, which includes discussions of information contained in documents produced by Allianz.

Exhibit 12: April 29, 2022 letter from NEBC to Aon, which references confidential discussions between the parties.

The attached pre-conference letter and Exhibits 2, 5, 9, 11, and 12 include or discuss material that has been designated Confidential under the Protective Order in this case. The Protective Order permits the parties to designate certain categories of sensitive information produced in the course of discovery as “Confidential” or, in the case of extremely sensitive information, “Highly Confidential,” with all such material referred to collectively as “Protected Material.” Protective Order § 4. The Protective Order requires that “A Party or Non-Party submitting any Protected Material to the Court in the Related Actions (whether in support of a pleading or motion, at a hearing, or in connection with any other pre-trial proceeding) must file the Protected Material in redacted form or under seal to the full extent permitted by the Local Rules of the U.S. District Court for the Southern District of New York and Judge Failla’s Individual Practices in Civil Cases.” *Id.* § IX.A.

The ordinary “presumption of access is entitled only to modest weight” here, “because the documents at issue were submitted in connection with a motion to compel discovery, rather than a dispositive motion, and because resolution of that discovery motion does not require the Court to analyze the merits of the parties’ claims or defenses.” *Royal Park Invs. SA/NV v. Deutsche Bank Nat’l Tr. Co.*, 2016 WL 7188795, at \*2 (S.D.N.Y. Dec. 7, 2016) (citations omitted).

Accordingly, Aon requests leave to file the pre-conference letter and Exhibits 2, 5, 9, 11, and 12 with redactions.

Respectfully submitted,

/s/ *Julia M. Beskin*

Julia M. Beskin

cc: Counsel for Plaintiff (by ECF)

Application GRANTED. Defendant shall be permitted to file redacted versions of the above-specified documents on the public docket. The Clerk of Court is directed to terminate the pending motion at docket entry 173.

Dated: May 6, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE